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Abraham Lincoln's Contemporaries

Benjamin Wade

Excerpts from newspapers and other
sources

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Lincoln Lore

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Number 1629

A NEW LOOK AT THE IMPEACHMENT OF ANDREW JOHNSON

Few periods of American history have changed as radically in the eyes of historians as the era of Reconstruction. Students of America's early national period can still refer to Henry Adams's nine-volume *History of the United States during the Administrations of Jefferson and Madison* (1891) as a work of major significance and usefulness, but few historians of Reconstruction cite anything written before 1940 except to refute it. "Only one event has resisted this historical reversal — the impeachment and trial of President Andrew Johnson," says historian Michael Les Benedict, and his new book, *The Impeachment and Trial of Andrew Johnson* (New York: W. W. Norton and Company, 1973), is an attempt to extend the trend of reversal in Reconstruction historiography to the trial of Andrew Johnson.

Changes in opinion on the Negro since the Depression prompted historians to look at Reconstruction with new

eyes, but changes in opinion on the American presidency tended to exempt the effort to remove Andrew Johnson from any fresh scrutiny. The crisis atmosphere of the New Deal and the Cold War encouraged increases in the powers of the President and encouraged even historians newly sympathetic to efforts to reconstruct the South to continue seeing any attack on the powers of the presidency with a jaundiced eye. The result was historiographical anomaly: the President who did the most to frustrate Reconstruction measures was still viewed as a maligned victim of a blatantly political, short-sighted, and malicious attempt at impeachment and removal. The vote to acquit Johnson was seen (in popular history magazines like *American History Illustrated*, for example) as "the most HEROIC act in AMERICAN history." Senator Edmund G. Ross of Kansas, a Republican who broke ranks and voted to acquit the President, "sacri-



THIS LITTLE BOY WOULD PERSIST IN HANDLING BOOKS ABOVE HIS CAPACITY.



AND THIS WAS THE DISASTROUS RESULT.

From the Lincoln National Life Foundation

Most historians have implied that Congress did not have a constitutional leg to stand on by picturing Andrew Johnson's impeachment and trial as an attempted radical coup. *Harper's Weekly* for March 21, 1868 pictured an insignificant Johnson crushed by the Constitution, thus taking at the time of the trial the opposite view. In the month's that followed, *Harper's* cartoons changed Johnson from a pip-squeak to a monarchial usurper.

ficed his political career to save the American system of government." John F. Kennedy chose Ross as one of the subjects for his *Profiles in Courage*.

How was it that the "American system of government" became so identified with the office of the presidency that impeachment (as firmly rooted in the words of the Constitution of 1787 as the presidential office itself) could be seen only as an un-American act? One need only sample the political-scientific wisdom of the early 1960's to see why historians might have been cool to impeachment. Two popular books, for example, were Richard E. Neustadt's *Presidential Power: The Politics of Leadership* (New York: John Wiley and Sons, 1960) and James MacGregor Burns's *The Deadlock of Democracy: Four-Party Politics in America* (Englewood Cliffs, New Jersey: Prentice-Hall, 1963).

Neustadt has been called the Machiavelli for the American Prince. Neustadt wrote a book analyzing the powers of the President because, in his words, "To make the most of power for himself a President must know what it is made of." The desire to increase presidential powers led to a lack of interest in constitutional restraints on executive power. Citing as an example of executive power President Truman's seven-week seizure of the steel mills in 1952 "without statutory sanction," Neustadt argued that one of the factors "making for compliance with a President's request is the sense that what he wants is his by right. The steelworkers assumed, as Truman did, that he had ample constitutional authority to seize and operate the mills." The constitutional contradiction evoked no response whatever from Neustadt.

James MacGregor Burns argued in his book that there were really four parties in America, congressional Republican and Democratic parties and presidential Republican and Democratic parties. The congressional Republicans and Democrats, elected on local issues in safe gerrymandered districts frequently in off-year elections, had more in common with each other than with the presidential wing of their own parties geared for election on well-publicized national platforms in national elections. Burns pictured the congressional/presidential split as a split between small-town lawyers and big-city lawyers, independent entrepreneurs and big businessmen, state legislators and intellectuals. Burns (himself a Democrat) was more interested in weakening the congressional at the expense of the presidential party than the Republican at the expense of the Democratic party. In his single-minded zeal for the presidency, Burns revealed the same blindness to constitutional issues that Neustadt had shown. Burns's hero "must be willing to take sweeping action, no matter how controversial, and then to appeal to the electorate for a majority, as Jefferson did in 1804 after the Louisiana Purchase. . . ." At the time, Jefferson had been rather embarrassed by the whole affair. He thought himself that the action was unconstitutional because there was no provision about acquiring territory in the United States Constitution. But like Truman's act for Neustadt, Jefferson's evoked little comment from Burns except his saying that the Louisiana Purchase was "magnificently vindicated in history." Burns and Neustadt were intent on increasing presidential power, constitutional balance was their enemy, and constitutional scruple never occurred to them.

In such an atmosphere as that of the era of Neustadt and Burns, no one was likely to view a major congressional effort to limit the actions of an executive as a vital subject for historical investigation. It is little wonder that, as Benedict points out, there has been only one moderately detailed treatment of Johnson's impeachment, and that was done seventy years ago. But Benedict was the student of a legal and constitutional historian (Harold M. Hyman) and was trained to investigate those very issues which seemed like non-issues to Burns and Neustadt.

The major revisionist point of Benedict's book is simple: "To a large extent, the prejudicial view of impeachment most historians have adopted is based on the mistaken notion that government officials can be impeached only for actual criminal offenses indictable in regular courts. However, numerous studies of impeachment have contradicted this widely held conviction, sustaining the position adopted by the more radical Republicans during the crisis." Others, like historian Gaddis Smith, disagree and assert that a President's "high crimes and misdemeanors" must be essentially

crimes and high ones at that to merit impeachment (see "The American Way of Impeachment," *New York Times Magazine*, May 27, 1973, page 53). In fact, it matters little for the purposes of his book whether Benedict is right about the abstract meaning of impeachment or not, and his claims to constitutional infallibility seem out of place in a history book. What is important is the historical meaning of impeachment in 1868. Fortunately, Benedict does make a case in regard to the common understanding of impeachment in 1868; it rests on these three points:

(1) English legal precedents were of little weight because in England any citizen could be impeached by the legislature; confining impeachment to indictable crimes in England was a protection of individual citizens' liberties from the government. In America, impeachment was applicable only to office holders (and specifically forbidden by the Constitution from use against private citizens) and was meant itself as a protection of the citizens from the government. In England, impeachment was meant to punish crime, and the criminal could be sentenced to death by the House of Lords. In America, impeachment could lead only to removal from office and permanent disqualification from office-holding.

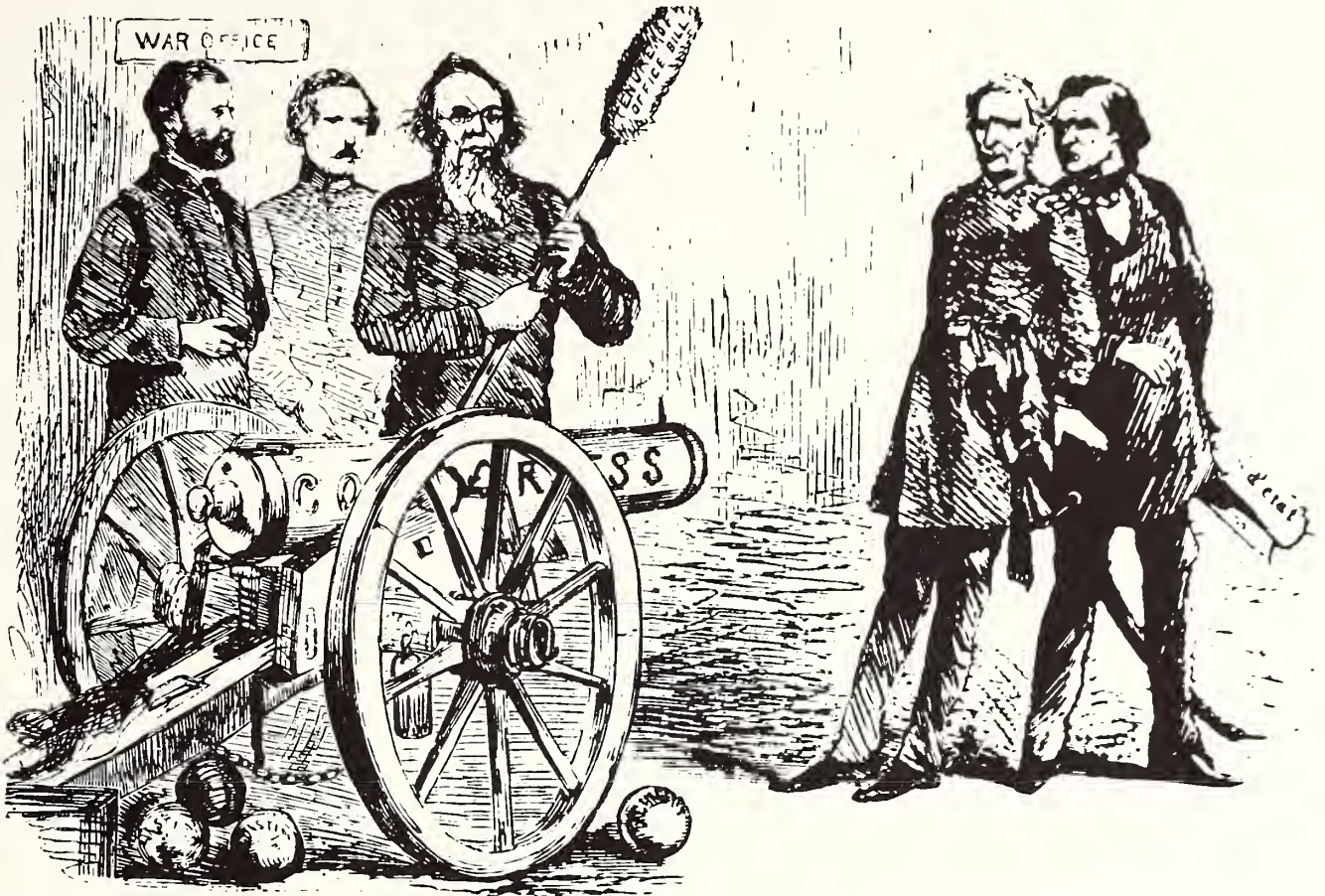
(2) American precedents were few and far between, and they were mixed in import. On the one hand, the House of Representatives "had limited its accusations to indictable crimes in at most one of the five impeachments it had presented to the Senate before 1867." On the other hand, the Senate had decided innocence of the House's charges in two cases because none of the articles of impeachment named an indictable crime. On one occasion, however, the Senate had removed a judge for drunkenness and profanity in the courtroom, rather than for indictable crimes.

(3) With English experience clearly irrelevant and the relevant American precedents simply unclear in meaning, Americans in 1868 had to rely on the constitutional commentators and theoreticians of the day. Here Benedict points to the key historical factor, "the unanimity with which the great American constitutional commentators had upheld the broad view of the impeachment power." "Story, Duer, Kent, Rawle, and the authors of *The Federalist*," says Benedict, ". . . recognized that the danger to liberty and the efficient workings of government lay not in the possibility that the president or lesser executive officers might act illegally, but rather that they might abuse the powers the Constitution had delegated to them."

The latter point is crucial. If it was conventional legal and constitutional wisdom to believe presidents impeachable for abuse of powers constitutionally granted, then impeachment for actions short of indictable crimes was not necessarily a radical act. Thus the so-called Radicals of what used to be called "Radical Reconstruction" were not radical at all in constitutional matters. The constitutional wisdom of Kent and Story has been called many things, but never, one imagines, "radical."

Benedict marshals much more evidence to prove that impeachment was, like much of the rest of "Radical Reconstruction," really the result of compromises which pleased Republican moderates (and gained their support) and of intransigent opposition from Andrew Johnson. In many ways, this evidence constitutes the most persuasive part of the book.

Gaddis Smith in the article mentioned above sets the stage for his discussion of the Johnson impeachment episode by saying that the "Radical Republicans . . . gained full control of Congress after the 1866 elections." He implies that everything that followed — including impeachment — was a radical move. In fact, the House's impeachment resolution did not follow a Radical capture of the House in 1866 but rather a sound thrashing of the Radicals in the 1867 elections. The Republican party, on record as favoring impartial suffrage and on the ballot in three Northern states with proposals to eliminate white-only constitutional restrictions on the franchise, lost votes in practically every state. The Republican vote in Massachusetts, for example, dropped from 77 per cent (1866) to 58 per cent (1867), and in Maryland from 40 per cent to 25 per cent. The Democrats took California by arguing that Republican policies would lead to enfranchising orientals. They took Ohio's state legislature too, thus blasting the presidential hopes of Ohio's Radical Republican Senator Benjamin F. Wade. For the fence-



From the Lincoln National Life Foundation

Two weeks before the cartoon pictured on page one, *Harper's* had drawn a more sinister Johnson carrying plans for a "coup d'etat" in his hands. The congressional cannon which Edwin M. Stanton and Ulysses S. Grant aim at Johnson is loaded with cannonballs labeled "constitution." Johnson's attempts to use the patronage to help not the Republican party but a personal following may have caused some Republicans to fear a *coup d'etat* by the President.

sitting Republican politician, the message was clear: he had better moderate his policies in the direction of the Democrats. And it was the fence-sitters who counted, for the movement to impeach had been stopped totally by conservative votes in the July, 1867 session of Congress. The impeachment resolution did not pass until February, 1868, when the fence-sitters joined the Radicals because Johnson had openly violated a law, the Tenure of Office Act.

That the key voters awaited Johnson's overt violation of a law is, to be sure, further proof of Republican moderation on impeachment. Yet it is not a little disruptive of Benedict's argument concerning the mid-century legal understanding of impeachment that so many Republican congressmen — who surely must have gained their legal understanding from the same constitutional commentators the others read — awaited an indictable crime. Benedict chooses not to wrestle with this anomaly, but it could be resolved easily if Benedict confined his argument to proving that impeachment was a moderate move rather than that it was also legitimate or right one. The impeachment resolutions themselves were clearly the result of a compromise and not of a radical *coup*, for they cited both indictable crime and vaguer political abuses.

Gaddis Smith cites Benedict's study of Johnson's presidential actions as though it were new evidence of illegal and therefore impeachable acts, but for Benedict it is important only to set the scene for impeachment. He is not trying to find other illegal things for which Johnson could have been indicted, because he does not believe he needs to. Impeachment, he feels, was widely understood as a remedy for abuse of constitutional powers the President did have. All Benedict wants to show is that impeachment was a part of Reconstruction politics and not an embarrassing sideshow or a separate factional power play.

In delineating the Reconstruction context of impeachment, Benedict is again very effective. Largely through his unqualified right to pardon and through his natural powers to enforce the laws of Congress as he chose, President Johnson almost single-handedly dismantled Congress's Reconstruction program. He ignored the Test Oath Act and appointed former Confederates as provisional governors in several states. Treasury Secretary Hugh McCulloch (a hold-over Lincoln appointee) ignored the law also by appointing men who could not take the loyalty oath to Treasury jobs in the South (Reconstruction, as it had been initiated by President Lincoln in Tennessee, Arkansas, and Louisiana had been built around provisional governors and federal appointees who had always been loyal to the Union). Attorney General James Speed (another Lincoln hold-over) halted proceedings to sell confiscated lands in Florida and Virginia despite the intent of Congress's Confiscation Act. Despite the Freedmen's Bureau Bill establishing Freedmen's Bureau Courts (which were a form of military commission), Johnson proclaimed an end to trials by military commission where civil courts were in operation. The difference, of course, was that the civil courts were local and Southern; the military courts were federal and Northern. A freedman could anticipate very different treatment in the one rather than the other. This is Benedict's conclusion: "... within a year of Andrew Johnson's elevation to the presidency, the preliminary Reconstruction program enacted by Congress lay in utter ruin. In pursuing his own policy, Johnson had destroyed it, without violating a law, using only his constitutional powers as president of the United States." Such obstruction brought confrontation.

Benedict is also very effective in reminding us of what we should have suspected but nonetheless ignored during the long years of executive ascendancy since the New

Deal. It was not necessarily abstract political-scientific views of the nature of the presidency but practical politics that dictated much of the outcome of the impeachment movement. High-minded regard for constitutional checks and balances might have dictated one course for congressmen; practical politics reminded them to think first of who would in fact occupy the office next were Johnson actually removed. Since there was no vice-president, that honor would have fallen to Benjamin Wade, the president *pro tempore* of the Senate. Wade was a friend of a high protective tariff and an enemy of Hugh McCulloch's policy of contracting the currency inflated by Civil War greenback financing. Wade was therefore *persona non grata* to the hard-money, free-trade wing of the Republican party. The prospect of President Wade was as powerful a deterrent to impeachment as the prospect of a weakened presidency. To remember this is to put in proper perspective those history books which see only the votes *for* conviction as politically motivated.

Moreover, conservative Republicans opposed Wade's succession for party as well as factional reasons. To launch a man of such well-known economic convictions to the leadership of the party would be to split a party made up of former free-trading Democrats and former high-tariff Whigs by focusing on the issues that divided the party rather than the issues (loyalty of returning governments and safety of the freedmen) which united it. Such worries were exacerbated by rumors that Wade would appoint E. B. Ward, a leading opponent of contraction of the currency, as Secretary of the Treasury and Benjamin Butler as Secretary of State. Moreover, other votes to acquit were at least as thoroughly motivated by politics. The Democrats and Johnson conservatives who "would under no circumstances have voted to remove the President and turn the office over to the Republicans" were in fact "more consistently antipathetic to the entire proceeding that even the most hostile Republicans."

Accusing only one side of political motivation (rather than seeking to identify the political content of the beliefs of both those in favor of acquittal and those in favor of conviction) ignores too many stubborn facts. For example, more than half of the House Republicans who voted for impeachment had refused to do so at some time in the past. The impeachment resolution had failed previously before it passed in February, 1868, when the moderates joined the Radicals because Johnson had openly violated a law. Senator Edmunds had voted *against* a resolution declaring that the President had acted contrary to law in removing Secretary of War Stanton from office. But he decided Johnson was guilty, so voted in the end, and said that had Wade not been president *pro tem* of the Senate, moderates like William Pitt Fessenden would have reached the same conclusion. In other words, some men were simply convinced by the lawyers' arguments during the trial, as any juror might be.

In the end Benedict's revisionist point of view brings new relevance to the actual proceedings and arguments at Johnson's trial. Some of these arguments persuaded some men how to vote. Many of the arguments, as Benedict outlines them, were powerful. Was the Senate a court bound by the rules, precedents, and technicalities of the common law, or were the Senators, as Benjamin Butler (one of the managers of the prosecution's case) put it, "a law unto yourselves, bound only by the natural principles of equity and justice . . ."? The common law risked the escape of the guilty in order to protect the rights of the innocent; in the long run the risk was better for society as a whole. Was society as a whole better served by risking the escape of the guilty in impeachment proceedings where the guilty had such great powers they could affect the life of every member of society? Had Johnson violated a law or violated an unconstitutional law which was null? When the prosecutors tried to answer that question, they undermined their own case. To argue about it was to show that the President, right or wrong in his actions, had done something about which there *could* be argument. He had made a mistake, perhaps, but a mistake is not a *criminal* act because it does not show criminal *intent*. Granted a President could not be the sole person to decide whether a law was constitutional and therefore to be enforced

by the executive, was it not the case that the President could disobey a law (in order to bring a case before the Supreme Court) which limited his authority and thus left only the President himself with an interest in challenging it? The questions were complicated, the arguments by the lawyers were of high quality, and there were many more issues than these, questions of fact, questions of admissibility of evidence, and other questions of law. The lawyers did not treat the case as though its outcome was predetermined by political prejudice.

Benedict's analysis of the votes in the Johnson verdict may surprise the reader, but that and many other pleasant surprises await the reader of *The Impeachment and Trial of Andrew Johnson*. It is a good book, it argues persuasively, it is on the whole well written, and its subject is long overdue for study. It is to be regretted, however, that the book lacks a leisurely pace. On page 143, for example, Benedict says: "There were numerous minor elements in the House's case for impeachment, and a complete analysis of them would require a longer monograph than I have undertaken here. Nonetheless, that is a job that needs doing." Then why, I was at first tempted to say, did you not do the job yourself? The answer (in many similar cases at least) is that the inflexible demands for publication for tenure (and publishers' demands on book length) tend to put a premium on the sort of book that takes two or three years to write and research and to make the book that is ten or twelve years in the writing a liability to one's career. To blame Benedict for cutting short the effort would be to blame a victim for the system that victimizes.

A fault which can be traced to the author, however, is a certain lack of balance in the book. I do not mean that his case is too one-sided, for when one is fighting seventy years of American historiography and an orthodoxy of the sort championed by James MacGregor Burns and Richard Neustadt, one need not bend over backwards to present the case for the other side. The other side's case is all we have heard for years; we all know it by heart whether we have read a book on Andrew Johnson or not. The lack of balance to which I refer is the failure to give the proper weight to the more important strands of his own argument. If the "prejudicial view of impeachment" stems from "the mistaken notion that government officials can be impeached only for actual criminal offenses indictable in regular courts," then Benedict's whole effort at revision rests on proof that this is not the case, or rather, that such was not necessarily the belief of everyone in the nineteenth century. Yet when Benedict makes his case on this crucial point, we get the same hurried rush through the evidence.

It is crucial to Benedict's case to prove "the unanimity with which the great American constitutional commentators had upheld the broad view of the impeachment power." Yet his proof consists of a quotation from a constitutional commentator, John Norton Pomeroy, whose book was copyrighted the year of Johnson's impeachment. There is a quote also from William Rawle, but the opinions of Kent and Story are not quoted or even paraphrased; they are merely page numbers in a footnote.

It would have been much more convincing to render a more leisurely treatment of the historic views of the impeachment power even if it had to come at the expense of the several tables and charts of votes that dot the book but do not add immensely to the argument (partly because they are rather poorly placed and lack an easy-to-follow legend to explain their import). In this case, argumentative power was sacrificed to book size and to the fashionableness of modern voting analysis.

I do not mean to intimate, however, that the book is a brief written for the current moment or even a book written because the subject is timely. Such is clearly not the case. The scholarly tone and the massive documentation are proof that the book was in the works long before impeachment became a subject for television discussions. If that is not proof enough, then an explanatory blurb on Professor Benedict that appeared in the December, 1972 issue of *Civil War History* is certainly proof, for he is there described already as the author of "a forthcoming volume, *The Impeachment and Trial of Andrew Johnson*." It is a volume worth reading now, to be sure, but it is also a volume that will be read by historians of Reconstruction for years to come.



Lincoln Lore

January, 1975

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Number 1643

Abraham Lincoln Did NOT Defend His Wife Before the Committee on the Conduct of the War

We are witnessing a Lincoln myth in the making, and it provides a rare opportunity to see what cultural forces are necessary to promote to the status of popular myth one of the many obscure and doubtful stories about the sixteenth President. The event in question is Abraham Lincoln's alleged visit to a secret session of a congressional committee investigating rumors that Mary Todd Lincoln was leaking military secrets to the Confederacy.

I. Origins of the Story

Lincoln's visit was first described in an article which appeared in a Washington, D.C., newspaper sometime after 1905 (the article refers to the "late" John Hay, who died in 1905). The author, E. J. Edwards, attributed the "anecdote" to Thomas L. James, who had heard it "at the time he was Postmaster General in Garfield's cabinet" from a "member of the Senate committee on the conduct of the war in Lincoln's first administration." Edwards's article continued:

"You doubtless remember," said the senator to Gen. James, "that during a crucial period of the war many malicious stories were in circulation, based upon the suspicion that Mrs. Lincoln was in sympathy with the Confederacy. These reports were inspired by the fact that some of Mrs. Lincoln's relatives were in the Confederate service. At

last reports that were more than vague gossip were brought to the attention of some of my colleagues in the Senate. They made specific accusation that Mrs. Lincoln was giving important information to secret agents of the Confederacy. These reports were laid before my committee and the committee thought it an imperative duty to investigate them . . . One morning our committee purposed taking up the reports that imputed disloyalty to Mrs. Lincoln. The

sessions of the committee were necessarily secret . . . [Suddenly] at the foot of the table, standing solitary, his hat in his hand, his tall form towering above the committee members, Abraham Lincoln stood . . . The President had not been asked to come before the committee, nor was it suspected that he had information that we were to investigate the reports, which, if true, fastened treason upon his family in the White House.

"At last Lincoln . . . said:

"I, Abraham Lincoln, President of the United States, appear of my own volition before this committee of the Senate to say that I, of my own knowledge, know that it is untrue that any of my family hold treasonable communication with the enemy."

"... we sat for some moments speechless. Then by tacit agreement, no word being spoken, the committee dropped all consideration of the rumors that the wife of the President was betraying the Union . . . We were so greatly affected that the committee adjourned for the day."

Edwards's article, the original title of which is clipped from the copy of the article in the Lincoln Library and Museum collection, was privately republished as a pamphlet entitled *The Solitude of Abraham Lincoln* by Gilbert A. Tracy in Putnam, Connecticut in 1916. A statement by Tracy in pen on the title page says that only thirty copies were made, and a pencilled statement made on the cover at a later date claims that only sixteen were printed. No alterations were made in the story, and it was published, according to the title page, by permission of the author.

The story would very likely have disappeared into the obscurity typical of stories from rare pamphlets had Emanuel



Thomas L. James.

Courtesy of The New-York Historical Society, New York City

FIGURE 1.

Hertz's *Abraham Lincoln: A New Portrait* (New York: Horace Liveright, 1931) not repeated it (on pages 238-239). Carl Sandburg probably picked it up from Hertz; he did not quote Edwards verbatim, as Hertz had, but the story appears in the second volume of Sandburg's *Abraham Lincoln: The War Years* (New York: Harcourt, Brace, 1939), pages 199-200. In a chapter about the events of late 1862 and early 1863, Sandburg said that "Senate members of the Committee on the Conduct of the War had set a secret morning session for attention to reports that Mrs. Lincoln was a disloyalist." The poet thus added to Edwards's anecdote a date and one subtle embellishment which will be discussed later.

Again the story seemed likely to vanish from popular consciousness. Despite the fact that it was ready-made ammunition for Mary Lincoln's apologists, the first of a long line of these, Ruth Painter Randall, discredited the account. Her *Mary Lincoln: Biography of a Marriage* (Boston: Little, Brown, 1953) related the story but admitted that the "evidence is too vague and in part inaccurate . . . to justify an established historical conclusion that this incident occurred. One cannot accept Lincoln's words literally from such a long-delayed, indirect account and the dramatization is highly seasoned. The thought comes to mind that this story might be a confused version of Lincoln's interviewing members of the House Judiciary Committee in regard to the Wickoff-Watt imbroglio." Mrs. Randall had seen the story in Hertz's book, and then checked the original clipping in the Lincoln National Life Foundation collection. She used her sources scrupulously and threw cold water on the story, but her condemnation was mild and rather tentative; she felt that the story had at least the virtue of pointing "up the ghastly situation created by the idea that Mrs. Lincoln was disloyal." As a partisan of Mrs. Lincoln, Mrs. Randall wanted to believe it, but her respect for historical rigor prevented her from doing so.

Early in July, 1973, Connecticut Senator Lowell Weicker read Carl Sandburg's version of the story into the records of the Senate Watergate hearings and into the political conscience of the nation. Weicker read the anecdote before a national television audience to show that the first Republican President had been willing to give testimony before a congressional committee. Senator Weicker's staff may have picked the story up from the newspapers. Bob Cromie had printed the anecdote as supplied by Lincoln-student Ralph Newman in the *Chicago Tribune* of June 2, 1973. The story was repeated by Philip Warden eleven days later in the same newspaper.

This political use of the Edwards-James-Sandburg story gave it a currency that no attempt simply to dramatize Lincoln's beleaguered presidency or to defend Mrs. Lincoln's reputation could have provided. Almost overnight Lincoln's visit to the Committee became not an obscure anecdote but an important moral, if not legal, precedent. Weicker willingly quoted the statement that Lincoln "had not been asked to come before the committee." Senator Ervin, Chairman of the Senate Watergate Committee, never held that the Committee could issue a subpoena for President Nixon's testimony, and the Lincoln story was left as a moral example of willingness to volunteer information. President Ford has tacitly testified to the power of the moral example by appearing voluntarily before a congressional committee himself.

II. Is the Story True?

To date, Ruth Painter Randall is the principal, if reluctant, challenger of the story's truthfulness. She noted immediately that the Committee on the Conduct of the War was a *joint* committee made up of members from both houses of Congress. Thus E.J. Edwards's original article erred in terming it a Senate committee. Here Sandburg's embellishment becomes important. He also knew the Committee was a joint committee, but the poet in him liked the drama and solemnity of the occasion. Although he did not quote the story entirely from Edwards (via Hertz), Sandburg did seize on such dramatic passages from the original account as these for their literary impact: "Had he come by some incantation, thus of a sudden appearing before us unannounced, we could not have been more astounded"; the president's eyes revealed "above all an indescribable sense of his complete isolation." Therefore Sandburg's quiet alteration of the original words "member of the Senate committee" to "Senate members of the Committee" is proof that he did not possess Mrs. Randall's

respect for historical rigor and discipline; he wrote what he wanted to believe and was willing to alter the record to fit it. In so doing, he also gave the story new life, for he thus eliminated the one glaring error which would have tipped off everyone thereafter that the story was based on very flimsy evidence. Even the most cursory glance at the multi-volume reports of the Committee on the Conduct of the War reveals that they were signed by House members as well as Senate members.

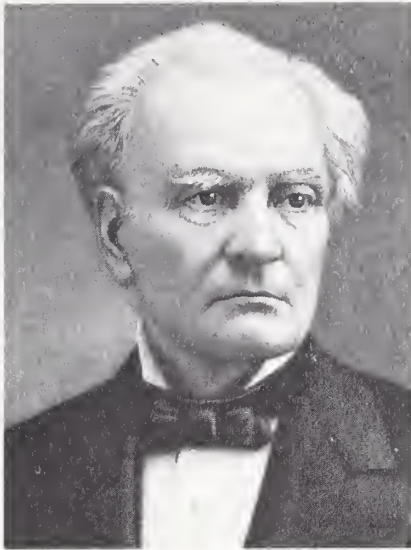
Sandburg, however, nearly made a serious error of his own by claiming that the Committee "set a secret morning session" to investigate the rumors. Edwards had said that the Committee's sessions were "necessarily secret." In fact, *all* sessions of the Committee on the Conduct of the War were held in secret. As a committee set up to investigate military operations during wartime, it could hardly have held *public* sessions with any hope of gaining testimony from the generals it interviewed. Edwards's version, of course, left open the possibility that *all* sessions were secret; Sandburg's version came nearer implying that this session was unique for its secrecy.

There are more reasons to doubt the story than these. Sandburg, probably for stylistic reasons, eliminated Edwards's remark that the anecdote had been "related to Gen. Thomas L. James at the time he was Postmaster General in Garfield's Cabinet." This time unconsciously, Sandburg considerably improved on the original by expanding the period of time in which the anecdote could have been told. According to the original version, however, this time was very limited, for Garfield was President for only six months, being assassinated in September of the first year of his administration. Postmaster General James, then, had to hear the anecdote from a Senate member of the Committee on the Conduct of the War in 1881.

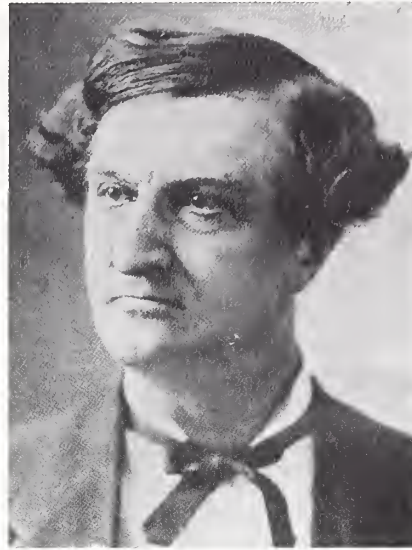
The problem is that most of these men were dead by then. Senator Benjamin Franklin Wade of Ohio, Chairman of the Committee, died in 1878. Senator Zachariah Chandler, who also served on the Committee throughout the war years, died in 1879. Tennessee's Andrew Johnson, who served on the Committee only until he became military governor of Tennessee in 1862, died in 1875. Senator Joseph A. Wright of Indiana also served on the Committee for a brief period, but he died in 1867. Only two other senators ever served on the Committee. One was Pennsylvania's Charles Rollin Buckalew, who was not elected to the Senate until 1863. The other was Oregon's Benjamin Franklin Harding, who served in the Senate only after December 1, 1862 (he filled the seat vacated by the death of Lincoln's friend Edward D. Baker). Buckalew and Harding both lived until 1899.

If Thomas L. James heard the anecdote in 1881 from a Senator who had been a member of the Committee on the Conduct of the War, he heard it from Buckalew or Harding. Buckalew seems an unlikely candidate because he was a Democrat. James was a long-time Republican, and it is doubtful that he had any special relationship with Buckalew. The Joint Committee on the Conduct of the War could meet without a quorum. In practice, this meant that no Democratic members of the Committee had to be present at the sessions, and critics of the Committee frequently complained that the minority members were ignored. It seems very doubtful indeed that Republicans would have invited Buckalew to be present at a meeting discussing rumors which, if true, would have doomed the Republican administration and probably destroyed the party. Moreover, Buckalew left the Senate for good after his one term. If James heard the story from this Democrat, either the Postmaster General travelled to Pennsylvania to see him, or Buckalew travelled to Washington, for Buckalew returned to Washington as a Representative only in 1887.

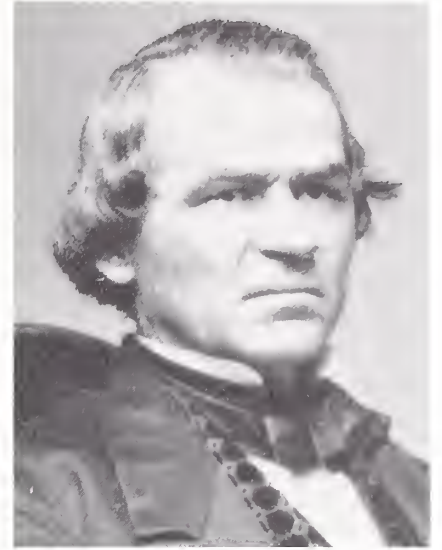
B.F. Harding, on the other hand, was a Republican like James; this fact increases the possibility of intimacy with James and the all-important possibility that Harding might have been privy to a meeting of such critical importance to the Republican party as the one Edwards and James described. However, Harding served only one term as United States Senator. According to a biographical sketch supplied by the Oregon Historical Society, Harding "retired" to Oregon after 1865 and died there thirty-four years later. He did not hold any national office, elective or appointive, after 1865. Unless James (a New Yorker) visited Oregon or Harding visited Washington, it is impossible for James to have heard the story from this, the only Republican senator who had served on the



Benjamin F. Wade

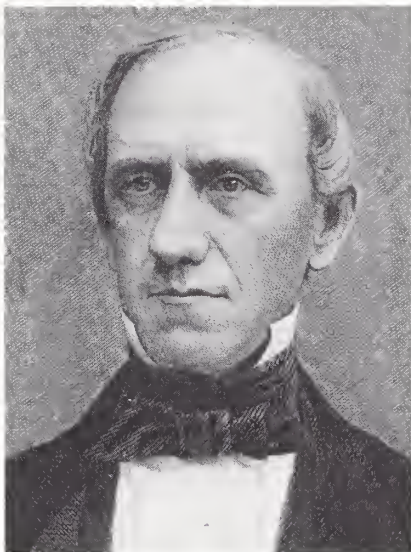


Zachariah Chandler



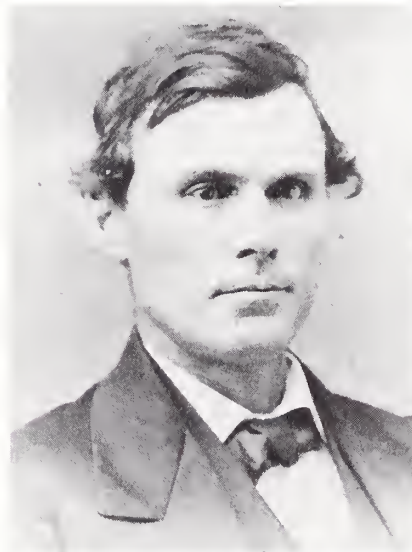
Pictures from the Lincoln National Life Foundation

Andrew Johnson



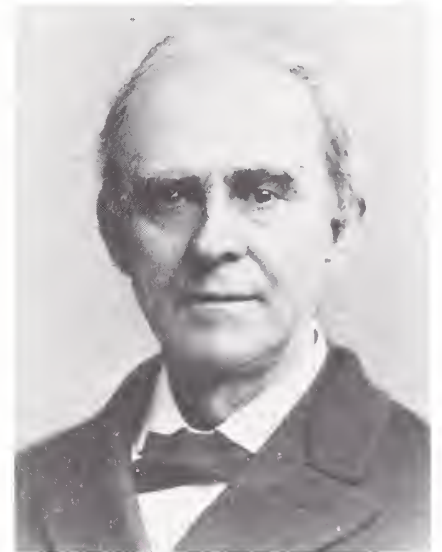
From the Lincoln National Life Foundation

Joseph A. Wright



*From the Oregon Historical Society,
Portland*

Benjamin F. Harding



*From the Historical Society of Pennsylvania,
Philadelphia*

Charles R. Buckalew

FIGURE 2. COMMITTEE ON THE CONDUCT OF THE WAR, SENATE MEMBERS

The popular view of the Joint Committee on the Conduct of the War stems primarily from T. Harry Williams's first book, *Lincoln and the Radicals* ([Madison]: University of Wisconsin Press, 1941). Written with the flamboyance and combativeness of youth, *Lincoln and the Radicals* bristles with sharp characterizations and strong language. Members of the more anti-slavery wing of the Republican party are consistently called "Jacobins"; Thaddeus Stevens was "caustic, terrifying, clubfooted"; the radicals were "in the embarrassing, and often sinister, position of regarding Union defeats on the battlefield as helpful to their cause." Against the onslaught of these Huns, Abraham Lincoln was, "Like the Lucretia threatened with ravishment, he averted his fate by instant compliance." The Committee's popular reputation fell to such a low level that Harry S. Truman claimed in his *Memoirs* in 1955 that, when he was a Senator during World War II, he set up a congressional investigation in such a way as to avoid the errors of that earlier congressional committee, which had been "of material assistance to the Confederacy." Lincoln's image changed before that of the Committee did, and historians came increasingly to see President Lincoln as an assertive and adept politician who steered the country's course between the radicals and the conservatives in the party. Thus the Committee was still seen as malign in nature, but it was no longer deemed to have influential and inquisitorial power over Union policy. Hans L. Trefousse's article, "The Joint Committee on the Conduct of the War: A Reassessment," *Civil War History*, X (March, 1964), 5-19, thus reversed Williams's view of the relationship between the President and the Committee: "In many ways he used the group, taking advantage of its impatience in a manner so skillful as to bring about great reforms despite conservative opposition." To date, there is no full-length study of the work of the Joint Committee on the Conduct of the War, although the records of the testimony given before the Committee have been mined by numerous military historians. Such a study, especially if done with a careful eye to distinctions between decisions based on military considerations and decisions based on political considerations, would serve a useful purpose.

Committee who was still alive in 1881.

Examined closely, the story of the Lincoln visit to the Committee on the Conduct of the War vanishes after improbabilities are stacked on improbabilities. To narrow the evidence to manageable form for verification is a relatively simple task. Ignoring Edwards's mistake about the make-up of the Committee on the Conduct of the War, the curious student can very quickly show that only two men, one a Democrat, neither important figures in Congress or on the Committee (which was dominated by its energetic chairman), could possibly have told James the story. Both had been out of national public office for over a decade by 1881. The man in nearby Pennsylvania was a Democrat who probably would not have been present at the alleged session; the Republican lived a continent apart from Washington, D.C.

III. Why Believe It?

The remarkable thing is less that the evidence proves flimsy upon examination than that no one has bothered particularly to examine it. Myths feed on a greater willingness to use a story than to study it. Over the years, the Edwards-James story has served several different causes.

Almost everything written to date on the Committee on the Conduct of the War stems from the period when the abolitionists were taking a beating at the hands of American historians and when every effort was made to delineate a gulf between those Republicans with abolitionist leanings and their President. Edwards's own anecdote was largely free of taking sides in the factional dispute. Edwards said nothing harsh about the Committee, and indeed the story is supposed to have come from a member of that very Committee. Yet it was easily adaptable in other hands to that anti-abolitionist animus, and it was to that factional end that Sandburg used the story. He prefaced it with a description of "the snarling chaos of the winter of 1862-63." Amidst mutterings of "a secret movement to impeach President Lincoln," Sandburg said, "Stubbornly had he followed his own middle course, earning in both parties enemies who for different reasons wanted him out of the way." Conveniently, the names of the "radical Republicans who took part in the secret movement, . . . could only be guessed." Edwards's anecdote, though this was not its original intent, was readily adaptable for those who wished to prove the unreasonableness and immoderation of Lincoln's factional opposition.

The anecdote was kept alive by other motives. Although Ruth Painter Randall's biography of Mary Todd Lincoln gave it more dignity than it deserved by saying that it at least showed the sort of problems this Southern First Lady could have, she rejected it. Her followers have been less careful. Irving Stone's *Love Is Eternal* (1954), a sympathetic account of the Lincolns' domestic life, was a novel and could therefore invoke the story in an effort to depict the unfairness and malignity of Mrs. Lincoln's critics (see pages 380-382). Margaret Bassett's *Abraham & Mary Todd Lincoln* (1973), also a sympathetic account of Mrs. Lincoln, cited Mrs. Randall's book in the bibliography but nevertheless said that Mary Todd's character "became so much a public issue that the President was impelled to say to Congress that he guaranteed his wife's loyalty." Ishbel Ross also noted "a deep debt of gratitude to the late Ruth Painter Randall" for her sympathetic research on Mrs. Lincoln. Nevertheless, Ms. Ross's *The President's Wife: Mary Todd Lincoln* (1973) states that "It has become legendary that when he [Lincoln] heard what was afoot, he walked alone to the Capitol and appeared suddenly before the committee."

There are doubtless two forces at work here, perhaps indistinguishably. One reason for the relatively new desire to believe the best of Mary Todd and the worst of her enemies is the feminist movement which is causing a great deal of interest in the role of women in history and which allows us, for example, to see Mary Todd Lincoln's interest in politics as a forward-looking escape from the nineteenth-century female stereotype rather than as an inappropriate meddlesomeness. At the same time, some authors use the story for the sake of an almost Victorian sentimentalism, replacing the First Lady on her dignified pedestal far from the vulgar vipers in Congress. Neither form of Mary Lincoln apologetics, however, was strong enough on its own to launch the story to national popular mythic status.

That leap required powerful political motives, by which I do

not necessarily mean "party" motive (Senator Weicker is, or was, a member of the same party as Presidents Lincoln and Nixon). The fact of the matter is, nevertheless, that the anecdote was again useful to those who wished a standard of presidential accountability different from that of the incumbent President's. Use was still the criterion, and not intellectual curiosity. After President Nixon suggested a parallel between his own beleaguered presidency and Lincoln's, *Time* magazine's Hugh Sidey (in the February 25, 1974 issue) could quote historians Bruce Catton, Richard Current, and David Donald that they found the parallel forced and selective (President Nixon's speech, they said, notably ignored Lincoln's reputation for honesty). Yet *Time* did not bring up a similar battery of Lincoln historians to testify about the alleged appearance before the Committee on the Conduct of the War.

The myth of Lincoln's defense of his wife before Ben Wade's Committee is based on flimsy evidence and a great deal of desire—desire to make the abolitionists look bad, desire to make Mrs. Lincoln's critics seem at once unreasonable and influential, and desire to prescribe a standard of political behavior for today's Presidents. Whatever the merit of these desires, no cause is well served by making precedents from shoddy anecdotes. We have been watching the birth of a myth; let us hope soon to see its quiet demise.



From the Lincoln National Life Foundation

FIGURE 3. Mary Todd Lincoln in 1863

Mary Todd Lincoln (1818-1882), daughter of Robert Smith Todd and Eliza Parker Todd, was born on December 13, 1818, in Lexington, Kentucky. Although there is little information available on the above picture, it was supposedly taken "in the autumn of 1863" and the print was "the right-hand image of a stereograph card published by E. & H.T. Anthony Company in 1865." Mrs. Lincoln is wearing the same mourning attire that she wore for many months after the death of her third son Willie in February, 1862. See *The Photographs of Mary Todd Lincoln*, (1969) by Lloyd Ostendorf.

